

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
BOARD OF PROFESSIONAL COUNSELORS

CONDENSED MINUTES OF THE MEETING HELD DECEMBER 8-9, 2022

Date:	December 8 th , 2022
Time:	9:00 AM – 4:30 PM
Location:	Zoom originating from 333 W. Willoughby Ave, Juneau AK 99801
Attending:	Chair Dorene Hagen, Vice Chair Sammie O’Neal, Rachel Buddin-Young
Absent:	Teresa Cotton, Eleanor Vinson (periodically)
Members of the Public:	Denis McCarville, “RBarnard”, Amanda Young, Danielle Wrencher, Christy S., Olivia Sinaiko, Emily Mechtenberg, Shawn Bultsma, Mark Sabo,

Call to Order/Roll Call	
Chair Dorene Hagen called the meeting to order at 9:14 AM.	
Review and Approve Agenda	
Brief Discussion:	The board reviewed the agenda and elected to extend lunch until 1:45 and to move the Division Report up to after the Investigative Report.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the agenda as amended</i>
Ethics Report	
Brief Discussion:	No ethics to report.
Meeting Minute Review	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the draft meeting minutes from the September 15-16, 2022 meeting.</i>
Regulations Projects	
Brief Discussion:	A. The board reviewed the draft language for the current projects that are with the Division’s regulations specialists. This includes language to specify continuing education activities for renewals, a limit to how many continuing education units may be obtained in one day, and the longevity of applications for licensure by examination. After an amendment to include language that had not been included in the draft but was included in the original motion to amend the regulation.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the draft regulation language as amended.</i>
Brief Discussion:	B. At the Division’s request the board reviewed amending the language in 12 AAC 62.320(b)(2)(M) as the Department of Health and Social Services has since split into the Department of Health and the Department of Family and Community Services.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to amend regulation 12 AAC 62.320(b)(2)(M) to read “Alaska Department of Family and Community Services”.</i>
Brief Discussion:	C. The board reviewed SB 4965, presented to the United States Senate by Senator Sullivan, regarding removing the in-person requirement for

	mental health services under Medicare. At this time, there are no barriers to this for the board to address as they have no limits regarding telehealth services.
Investigations Report	
<i>This item was rescheduled to Friday, December 9th, 2022 due to Investigator Jasmin Bautista's absence.</i>	
Division Report	
Brief Discussion:	Division Director Sara Chambers joined the meeting to discuss the board's FY2022 4 th quarter report and the FY2023 1 st quarter report. She provided an in depth analysis to the board of how their finances compared to other programs in the Division and highlighted that the program has nearly doubled in size since FY16. In addition, Division Director Sara Chambers has accepted a new position with the commissioner's office as a Board Liaison and will be making the transition to this position to provide more intensive board support.
Supervision	
Brief Discussion:	A. The board discussed telehealth as it is performed by clinicians currently under supervision. They discussed situations in which clinicians under supervision are obtaining business licenses that require a professional license. At this time there are no regulations that prohibit this as the board does not regulate practice locations or clinics.
	B. Rachel Buddin-Young created a presentation regarding tiered licensing and supervision. She provided information regarding the national trends and that more states are regulating the process of supervision through intern, trainee, or provisional licenses. Currently, 65% of states have this process. The board then discussed pre-requisite experience for issuing a supervisor credential. They will discuss this more during legislative proposals and are moving on to pre-licensure requirements. Dorene Hagen spoke regarding having a business while under supervision and needing a license number for the NAICS code. Rachel Buddin-Young stated that she believes this will bring forward accountability and mold future counselors. Eleanor said it might give guidance. Eleanor Vinson believes the title should stay away from using Licensed Professional Counselor.
<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson, it was resolved with unanimous consent to take a brief recess.</i>	
Off Record: 11:17 AM	On Record: 11:31 AM
Public Comment	
Brief Discussion:	The board opened public comment at 11:31 AM.
	Amanda Young, Fairbanks, called in to the meeting to request an amendment to 12 AAC 62.110(d) regarding the expiration date for exams. She is a military spouse that has experienced several hardships that have delayed her job. Currently if an applicant does not have their license issued within three years of passing their exam, they may apply for an extension of up to two years. She wishes for these situations to be reviewed on a case-by-case basis.
	Denis McCarville, Fairbanks, is the director of a residential treatment center in Fairbanks. He supports Amanda Young and others that may be in this situation. As the director of a residential program, it is difficult to attract Licensed Professional Counselors and prospective supervisees. There are not enough clinicians in Alaska. He has the means to expand but does not have enough clinicians. Agencies are stealing from other agencies and he asks that anything we can do to assist programs that are trying to attract counselors would be extremely beneficial.

	Mr. Barnard, Fairbanks, is the lead clinician at the treatment center stated above. He has worked with Amanda for years and believes the board can do more to help people who are doing all of the right things and would hate to see the state lose good counselors because of regulations that get in the way.
	Christy S., Fairbanks, stated that she understands the need for statutes and regulations but when they become a barrier they need to be addressed. There is an issue with clinicians being stolen by other organizations. Lots of clinicians are being lost to telehealth, and telehealth can be fantastic, but there are also groups that this does not suit and villages that do not have internet access. Alaska has incredibly unique circumstances and it is sad to someone who deserves to be licensed and has to jump through so many hoops.
	Danielle Wrencher, Florida, is a military spouse that moved from Alaska midway through the licensing process. She plans on retiring in Alaska and wanted to inquire regarding the status of her application. OLE Logan Bugayong stated they will provide her an update during lunch.
Lunch	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to recess for lunch.</i>
Off Record: 12:03 PM	
On Record: 1:45 PM	
Counseling Compact Presentation	
Brief Discussion:	Isabel Eliassen from the Council of State Governments led the presentation regarding the Interstate Counseling Compact. She discussed the benefits of occupational licensure compacts and emphasized that the scope of practice will remain unaffected for Alaska and practitioners that come into our state will need to be aware of that. There are currently 9 occupational licensure compacts that exist, the two with the highest number of member states are the Interstate Medical Licensure Compact and the Nurse Licensure Compact. Alaska currently is not a member state of any occupational licensure compact. Lynn Linde, from the American Counseling Association, emphasized that it is important that compacts are built on trust. She reiterated that this compact is for counselors who are licensed at the highest level. Rachel Buddin-Young asked regarding investigations and license actions that can be taken in privilege states versus home states. The privilege to practice in that state can be suspended but the home state must be the one to take action on a license. Sara Chambers spoke regarding suspension of privilege and the state's responsibility when it comes to compact privileges. The board will discuss the compact further on Friday during their legislative proposals section.
The board took a brief at ease	
Off Record: 2:47 PM	
On Record: 2:52 PM	
Application Review	
Brief Discussion:	The board began application review with discussing applications that had previously been tabled. Starting with Emily Mechtenberg's application for licensure by examination, this had previously been tabled to discuss her reported supervision. After discussion with Emily Mechtenberg during the meeting, the board saw fit that the forms had been filled out in error and could be fixed.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to approve the application for licensure by examination for Emily Mechtenberg, pending the receipt of the documentation forms showing adequate supervision.</i>

<p>Brief Discussion:</p>	<p>The board then reviewed the tabled application for Mark Sabo. His application was tabled to discuss his Californian AMFT that had been surrendered in 2015. The board discussed the intention of the language in Sec. 08.29.110.(a)(3) “The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, submits two letters of recommendation from professional counselors who are familiar with the applicant’s practice of professional counseling, and presents evidence satisfactory to the board that the person has not had a license related to the practice of counseling, psychology, marital and family therapy, or social work in this or another jurisdiction suspended, revoked, or surrendered in lieu of discipline unless the license has been fully reinstated in that jurisdiction;” and Sec. 08.29.400(a)(7) The board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter or deny a license to a person when the board finds that the person has had a license related to the practice of counseling, psychology, martial and family therapy, or social work in this or another jurisdiction revoked, suspended, limited, or surrendered in lieu of discipline upon grounds for which a license issued under this chapter could be revoked, suspended, limited, or surrendered in lieu of discipline; this paragraph does not apply to license actions for failure to pay a renewal fee.” Through discussion, the board came to interpret this as a license shall be issued if the conditions in Sec. 08.29.110 are met but this does not mean that if an applicant does not meet these conditions that a license shall never be issued, and that discipline may be imposed if the circumstances described in Sec. 08.29.400, but the use of the word may does not require that disciplinary action is taken. After having this discussion and further conversation with the applicant, the board saw no reason to deny licensure as a professional counselor.</p>
<p>Motion:</p>	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the application for licensure by examination for Mark Sabo.</i></p>
<p>Brief Discussion:</p>	<p>The board reviewed Shawn Bultsma’s application which had been tabled to review his continuing education. The regulation called into question was 12 AAC 62.320(b)(5) “The following continuing education will be accepted by the board if related to professional counseling as provided in (a) of this section: first-time preparation or publication of an article or book chapter related to the practice of professional counseling that was presented at a state or national association meeting or published by a publisher accepted by the board as recognized by the profession; the board will accept up to a maximum of 10 contact hours allocated among all professional counselors involved in the preparation or publication;” After discussion with the applicant, it became known that no other professional counselors were involved in the preparation or publication.</p>
<p>Motion:</p>	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the application for licensure by credentials for Shawn Bultsma.</i></p>
<p>Motions:</p>	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the application for licensure by examination for Olivia Sinaiko.</i></p>
	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the application for licensure by credentials for Diana Bonus.</i></p>
	<p><i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to approve the application for licensure by examination and the NCE exam extension request for Keri Chandler.</i></p>

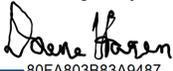
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to approve the NCE exam extension request for Rachel Costin until October 18, 2024.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to approve the application for licensure by credentials for Michele Hart.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to approve the random continuing education audit for the 2019-2021 renewal period for Kerrie Johnson.</i>
Brief Discussion:	The board began to review the application for licensure by credentials for Lucy Jones and realized that there were no synchronous continuing education units. Logan Bugayong has reached out to request these from the applicant.
Recess until 9:00 AM	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal, it was resolved with unanimous consent to recess until 9:00 AM on Friday, December 9th.</i>
Off Record: 4:28 PM	

Date:	December 9 th , 2022
Time:	9:00 AM – 4:30 PM
Location:	Zoom originating from 333 W. Willoughby Ave, Juneau AK 99801
Attending:	Chair Dorene Hagen, Vice Chair Sammie O’Neal, Rachel Buddin-Young
Absent:	Teresa Cotton, Eleanor Vinson (periodically)

Roll Call	
Chair Dorene Hagen called the meeting to order at 9:01 AM	
Motion:	<i>In a motion duly made Rachel Buddin-Young and seconded by Sammie O’Neal, it was resolved with unanimous consent to include the investigative report at 10:30 AM and to continue application review in lieu of position statement review.</i>
Legislative Proposals	
Brief Discussion:	The board reviewed legislative proposals. The board has several statutory changes they would like to bring forward to legislators including changing the letter of recommendation requirement for licensure by examination, making the supervisor certification a renewable license, and now adding a tiered license type for individuals gaining supervision towards independent licensure. When discussing updating the process for accruing supervised experience, the board discussed potentially adding a requirement to have required site meetings as telesupervision becomes more prominent. They discussed the potential cost to applicants and supervisors to have this requirement. The board wants to remove barriers and doesn’t want to impede forward progression with supervisors and their licenses, but foundationally they must protect their clients. The board emphasized that much of the concern when it comes to telesupervision is the villages and rural populations. They discussed potentially implementing a requirement to have the supervisors view a recorded session or conduct a site visit if the supervisee is not practicing in the same organization as the supervisor.
The board took a brief at ease.	
Off Record: 10:12 AM	
On Record: 10:29 AM	
Investigations Report	
Brief Discussion:	Investigator Jasmin Bautista and Senior Investigator Jenni Summers presented the investigative report for the Board of Professional Counselors for September 8 th , 2022 through November 30 th , 2022.
Old Business	
Brief Discussion:	Sammie O’Neal inquired regarding the Frequently Asked Questions Page that the board had previously been working on. Logan Bugayong informed the board that the Division is currently updating several processes regarding document intake and internal review of applications, so the FAQ page has not yet been posted as it may contain information that is no longer relevant. Once the processes are finalized, the page will be updated and posted.
Legislative Proposals Cont.	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson, it was resolved with unanimous consent to amend the agenda to continue the previous discussion the make best use of time.</i>
Brief Discussion:	The board continued discussing pre-licensure or tiered licensure. They reviewed the supervision model that is utilized by the Board of Psychologists and Psychological Associate Examiners. The goal is to implement a license type for Licensed Associate Counselors that would be active for three years with a potential extension of two years, a supervised practice plan to be received prior to issuing

	the license and for statements of supervised experience to be received every six months.
Application Review Cont.	
Motions:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to approve the application for licensure by credentials for Juanita Franklin.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Eleanor Vinson, it was resolved with unanimous consent to approve the application for licensure by examination for Matthew Lamb.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to approve the application for licensure by credentials for Anthony Lopez.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved to approve the random continuing education audit for the 2019-2021 renewal period for Mary Palko.</i>
Recess for Lunch	
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to recess for lunch.</i>
Off Record: 11:58 AM	
On Record: 1:01 PM	
New Business	
Brief Discussion:	A. Rachel Buddin-Young stated that not just in Alaska but nationwide there is a shortage of mental health practitioners and the board needs to do their due diligence and maintain ethics and standards while addressing this. There have been numerous requests for temporary licenses from out of state clinicians who have clients that will be in Alaska for short periods of time. The board believes that the compact and privileges that would come from being a part of the compact may act as a solution to this issue and by the time the legislation would go into effect to create a temporary license, the compact legislation would likely already be in effect.
	B. The board reviewed the upcoming conferences and scheduled their next meetings. In addition to their quarterly meetings, the board plans to meet in January to review executive summaries drafted by board members in regards to legislative proposals.
	C. Director Sara Chambers joined the meeting to answer further questions regarding compact legislation and the financial aspects of joining the compact. Based on the previous presentation, it would appear that the compact will charge approximately \$45 for the practice privilege and the state will be able to charge what they believe is a fair amount. The next steps are to reach out to legislators for sponsoring and to affirm that the board intends to pursue this legislation.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to support pursuing legislation related to the Interstate Counseling Compact.</i>
Application Review Cont.	
Motions:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to continue application review to make best use of time.</i>
	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to approve the application for licensure by credentials for Alexander VanGeffen.</i>

	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to approve the application for licensure by examination for Krista Zody.</i>
Adjourn	
Brief Discussion:	It was resolved that both Teresa Cotton and Eleanor Vinson's absences are excused from this meeting.
Motion:	<i>In a motion duly made by Rachel Buddin-Young and seconded by Sammie O'Neal it was resolved with unanimous consent to adjourn the meeting.</i>
Off Record: 3:54 PM	

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 Dori Hagen, Board Chair

5/3/2023

 Date

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 Logan Bugayong, Occupational License Examiner

5/3/2023

 Date